



~~September 18, 2007 CPC~~
October 24, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0379

Windswept Dev., LLC
and
Westerleigh, LLC

Matoaca Magisterial District
Western terminus of Broadmoor Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12) of 1.7 acres plus Conditional Use to permit recreation facilities on this parcel and an adjacent 0.5 acre parcel zoned Residential (R-12).

PROPOSED LAND USE:

A community recreational facility is proposed.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre or less. The recreational facilities will provide for neighborhood amenities.
- B. The conditions address land use compatibility between the proposed uses and area residential development.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The Owners for themselves and their successors or assigns (the “Developer”) in this conditional use permit and zoning case, pursuant to the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, proffer that the use of property with Chesterfield County Tax Identification Number 708-682-3558-00000 (Parcel A, currently zoned “A”), and a part of property with Chesterfield County Tax Identification Number 707-682-6721-00000 (Parcel B currently zoned “R-12”) will be in accordance with the following conditions if, and only if, the rezoning request to R-12 with the conditional use (CU) to allow recreation facilities serving the surrounding community of Westerleigh on Parcel A and the same conditional use for Parcel B is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force or effect.

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|-------------|----|---|
| (STAFF/CPC) | 1. | <u>Utilities</u> : The public wastewater systems shall be used. (U) |
| (STAFF/CPC) | 2. | <u>Timbering</u> . Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion devices have been installed. (EE) |
| (STAFF/CPC) | 3. | <u>Buffers</u> . A fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. A forty (40) foot buffer shall be provided along the perimeter of playground areas except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers and shall be inclusive of required setbacks. (P) |
| (STAFF/CPC) | 4. | <u>Recreational Uses</u> . Active and passive recreation areas shall be provided on the property defined in this application.

A. The following setback criteria shall apply to outdoor play fields, courts, swimming pools and similar active recreational areas |

- (i) With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of seventy-five (75) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent the development of indoor facilities and/or parking within this setback.
- (ii) Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be set back a minimum of forty (40) feet from any proposed or existing single family residential lot line and from any existing or proposed public road.
- (iii) Outside public address systems or speakers shall not be used between the hours of 11:00 p.m. and 8:00 a.m. and shall only be used in conjunction with a swimming pool. (P)

(STAFF/CPC) 5. Uses on Parcel A shall be limited to community recreational facilities. (P)

GENERAL INFORMATION

Location:

Western terminus of Broadmoor Road. Tax IDs 707-682-Part of 6721 and 708-682-3558.

Existing Zoning:

A and R-12

Size:

2.2 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North, East and South - R-12; Vacant (approved tentative subdivision plan for Westerleigh development)
West - R-7; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing eight (8) inch water line extending along Broadmoor Road that terminates adjacent to this site. Use of the public water system is required by County Code.

Public Wastewater System:

There is an existing twenty-four (24) inch wastewater trunk line extending along Otterdale Branch approximately 3,800 feet north of this site. Approved Tentative Subdivision plans call for extending an eight (8) inch wastewater collector line in conjunction with the Summer Lake and Westerleigh developments and when completed will be available to this site. Use of the public wastewater system is intended. (Proffered Condition 1)

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains through tributaries to Horsepen Creek and then to Swift Creek Reservoir. There are no known on- or off-site drainage or erosion problems and none are anticipated after development.

The property is wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will insure that adequate erosion controls are in place prior to timbering. (Proffered Condition 2)

Water Quality:

The proposed development will drain through an off line Best Management Practice (BMP) that is located in the adjacent Westerleigh development.

PUBLIC FACILITIES

Fire Service:

The Swift Creek Fire Station, Company 16 currently provides fire protection and emergency medical service (EMS). This request will have a minimal impact fire and EMS.

Transportation:

The subject application consists of approximately 2.2 acres and is located at the end of Broadmoor Road. The applicant is requesting rezoning from Agricultural (A) to Residential (R-12) for 1.7 acre parcel. In conjunction with the rezoning, the applicant is requesting a conditional use to allow recreational facilities on the parcel requested for rezoning (1.7 acres) and an adjacent R-12 zoned parcel (0.5 acres). This request will be a minimal impact to the existing transportation network.

The proposed recreation facilities are planned to be amenities for the Westerleigh development, a 309 residential lot subdivision located to the west and south of Broadmoor Road. As part of Westerleigh subdivision, left and right turn lanes will be constructed when Broadmoor Road is connected through to the Westerleigh development. Per discussions with the applicant, the intent is to construct the recreation facilities when Broadmoor Road is connected to the Westerleigh development.

VDOT's "Chapter 527" regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT's regulations will have on the development process or upon zonings approved by the county.

Financial Impact on Capital Facilities:

This application will not result in an increase in the number of dwelling units, consequently, the proposed zoning will not result in a net increase in the impact on capital facilities. (Proffered Condition 5)

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre or less.

Area Development Trends:

Properties to the north, south and west are part of the Westerleigh development which includes residential uses with a proposed commercial center located south of and adjacent to the property. Properties to the east are zoned Residential (R-7) and are part of the Otterdale Park Subdivision. A tentative plat has been filed to resubdivide a portion Otterdale Park as Broadmoor Park. It is anticipated that the proposed recreational amenities will serve these area residential developments.

Site Design:

The proposed recreational facilities could include swimming pools, tennis courts or other recreational facilities primarily for use by residents of the adjoining residential developments. The proffered conditions will minimize the impact of these facilities on future residents in these developments and are similar to conditions imposed on other projects. (Proffered Conditions 3 and 4)

CONCLUSIONS

The proposed recreational facilities will provide for neighborhood amenities. Further, the conditions address land use compatibility between the proposed uses and area residential development.

Given these considerations, approval of this request is recommended.

CASE HISTORY

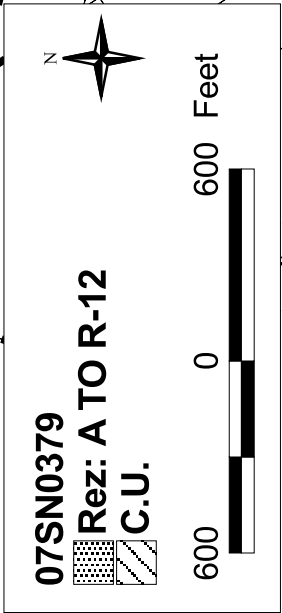
Planning Commission Meeting (9/18/07):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission recommended approval and acceptance of the proffered conditions on pages 2 and 3.

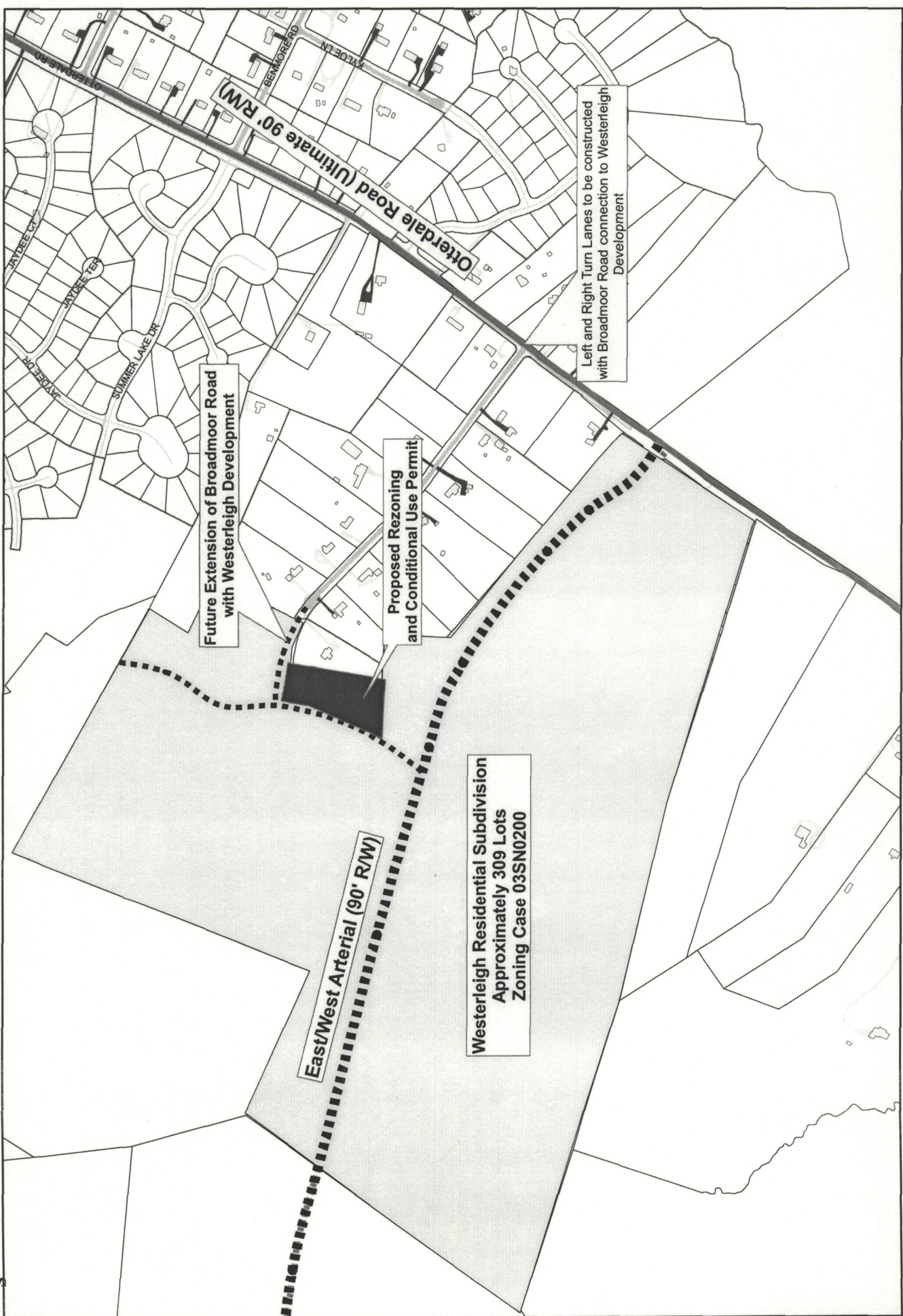
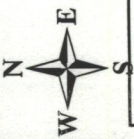
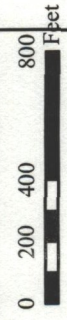
AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

The Board of Supervisors, on Wednesday, October 24, 2007, beginning at 6:30 p.m., will take under consideration this request.



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ZONING CASE 07SN0379 WINDSWEEP AND WESTERLEIGH



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